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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,674	07/20/2006	Lan Wang	08411.0050	8064

22852 7590 02/03/2009

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EXAMINER	
WONG, JOSEPH D	

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
02/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,674	WANG, LAN	
	Examiner	Art Unit	
	JOSEPH D. WONG	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20061213, 20060912,20060720*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Requirement Under 37 CFR 1.105

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. The justification for this request is that paragraphs [2-23] of the instant specification informally cite the following documents:

P. 1, Lines 13-14:

(Machine or Certified) English full text translations of an incorporated document:

Japanese Patent Appl. No. 2005-130209

P. 1, Lines 25-27:

Won Kim, "Object Oriented Concepts, Databases, and Applications", 1989, ACM Press

(Pages 1-21 and any index are requested of the article beyond pages 6-7 supplied).

P. 2, Line 9:

ISO 13584 Parts Library Standard

P. 2, Line 20 and page 7, Line 22:

IEC 61360-2 standard

PLIB standard

P. 2, Lines 27, 29:

ISO 6523 "Structure for Identification of organizations and organization parts"

P. 3, Line 21:

PLIB-EDITOR tool user guide or manual

P. 3, Lines 1-2:

(Machine or Certified) English translations of foreign priority documents:

JP 2004-177996 and JP 2004-178015.

P. 3, Line 17:

An archival copy is requested of <http://www.plib.ensma.fr/>

Please use the formal citation rather than the hyperlink which is informal.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of requirement information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Priority

The instant specification incorporates by reference a foreign priority document on page 1, paragraph 2 of the instant specification. Because Applicant has incorporated by reference a foreign document, a copy of a certified English translation is hereby required. This priority objection is under 37 CFR 1.52.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." On page 1, Lines 25-27, recite 'Won Kim, "Object Oriented Concepts, Databases, and Applications", 1989, ACM Press' only two pages of an 18 page article are included out of over 600 pages. The Examiner requests that the first 21 pages and any index be included. Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The information disclosure statements instantly filed are incomplete with respect to 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statements instantly filed are incomplete with respect to 37 CFR 1.98(a)(1), which requires the following: (1) a list of **all** patents, publications, applications,

or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statements instantly filed appear incomplete with respect to complying with the requirements of 37 CFR 1.98(b) because: not all documents cited or incorporated in the specification are formally listed on the IDS with legible copies provided to the Examiner. See 37 CFR 1.97(i).

Drawings

Figs. 8, 12, 13, 15 are objected under 37 CFR 1.84(l)for using a different dashed line style without appropriate clarification.

Fig. 16 is objected under 37 CFR 1.84(a-b, m) as an informal screen capture that does not conform with formal requirements to be a drawing or photograph.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected for being directed towards nonstatutory subject matter.

Claim 1 appears directed to a classification dictionary updating apparatus. However, claim 1 appears directed to an apparatus consisting of software per se because every element appears to be some instructional unit. No physical article is necessarily and always present in the body of the claims. Software per se is not one of the four categories of invention. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter. Therefore dependent **claims 2-16** are not statutory.

Claim 17 is directed to a computer program product having a computer readable medium including computer-executable programmed instructions for updating a classification dictionary, wherein the instructions, when executed by a computer, cause the computer to perform.. However, instantly published specification paragraph [42] refers to a transmission media by stating that that in addition to the storage medium there is a transmission medium as referenced by a "communication controlling device" shown connected in Fig. 6 allude to a symbol for a network medium. Instantly published specification paragraph [48] states that the proposal for editing and adding is received via the network communication unit which appears to be an example of a transmission medium bearing instructions. Consequently, this suggests the medium may appear to include communications media and/or mere program instructions as such the claimed invention is drawn to a form of energy. Energy is not one of the four categories of invention. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article and as such is not a machine or manufacture. Energy is not a combination of

substances and therefore is not a composition of matter. Therefore **claim 17** appears not statutory under present evaluation.

Claim 18 appears directed to a method of creating a hierarchical dictionary. However, under present evaluation, this claim is not tied to another statutory class such as an apparatus with a physical article necessarily recited within the body of the claim or said article performing a transformative step. This is called the "**machine-or-transformation test**". See *In re Bilski.* Alternatively this rejection may be overcome if the apparatus and physical article performing the method is shown to necessarily and always be present in the claim. Therefore claim 18 is not statutory under present evaluation.

Applicants can look to MPEP 2106.01-2106.02 (July 2008), Clarification of Processes under 35 USC 101, Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, Instant Specification, and contemporary case law with a matching fact pattern for further suggestions that may be helpful in overcoming these rejections.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "highest degree of approximation" in claims 3-4 is a relative term which renders the claim indefinite. The term "highest degree of approximation" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of expediting prosecution, the claim term will be loosely interpreted to be any

approximation as best understood by the Examiner because there is a specific metric or bound is unspecified.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by MacLeod et al, (US 2003/0105770), hereinafter MacLeod.

As to claim 1, MacLeod teaches a classification dictionary updating apparatus comprising: an update proposal receiving unit that receives a proposal for updating a hierarchical classification dictionary which has a hierarchical structure which includes a class that defines the hierarchical structure (¶[5, 10, 12], "network administers to ensure that legacy applications in various domains properly operate with the updated schema", Table 1), a property that defines a hierarchical class structure (Fig. 4), and an attribute that is a detailed information field of the class and the property (Fig. 4,items 421, 422, 418, "class schema", "flexible content class...flexible attribute"), and in which a sub classification class inherits a property of an upper classification class (Fig. 3; Fig. 5, items 520, 400, "program data...directory schema"); a proposal history storing unit that stores the past received proposal (Fig. 6, items 614, 616); an approximate proposal extracting unit that extracts the past received proposal stored by the proposal history

storing unit approximate to the latest received proposal (Fig. 6, item 612); and an approximate proposal presenting unit that presents the extracted proposal (¶[22], "A content class defines the purpose or content of an item by containing as its elements a list of properties appropriate for that purpose or content. Content classes imply a set of semantic requirements for the item. Content classes follow a hierarchical structure").

> [0005] For instance, suppose object X is an instance of class Y. Class Y has an attribute, Z. Therefore, because object X is an instance of class Y, object X can have this attribute defined on it. Assume that X does indeed have this attribute currently defined in it. Now a schema update is performed that modifies class Y by deactivating attribute Z. Note that this change makes the instance of object X invalid because X now has an attribute, Z, that it is not allowed to have according to the class definition of Y (of which object X is an instance).
>
> [0010] In light of these considerations, it is apparent that schema extensions typically require a substantial amount of computing resources and data bandwidth as well as coordination between network administers to ensure that legacy applications in various domains properly operate with the updated schema. Accordingly, installing products on organizational networks that require directory schema changes can be risky, potentially politically difficult, and a time-consuming process.
>
> [0012] The described arrangements and procedures provide a directory schema with object classes that have flexible attributes. This means that attributes can be extended independent of modifications to the directory schema. Specifically, an object instance of a content class described in the directory schema is instantiated. The content class includes a flexible attribute having a data type. A property is assigned to the attribute. The property is any combination of an operational and data providing property. The property is independent of the attribute's data type. Thus, without modifying the directory schema, multiple instances of the same object class can have attributes that provide completely different data types and completely different data operations.

As to claim 5, MacLeod teaches the classification dictionary updating apparatus, wherein when the received proposal is a proposal for adding a new class (¶[3], "new product...new version"), the approximate proposal extracting unit searches the proposal history storing unit for a proposal with a highest degree of similarity to a collection of properties of the proposal for

adding (¶[6], "directory schema extensions...always add to the size of the schema"), to extract a proposal approximate to the proposal for adding (¶[6], "schema bloat").

As to claim 17, MacLeod teaches a computer program product having a computer readable medium including computer-executable programmed instructions for updating a classification dictionary, wherein the instructions (¶[5, 10, 12], "network administers to ensure that legacy applications in various domains properly operate with the updated schema", Table 1), when executed by a computer (Fig. 4), cause the computer to perform: receiving a proposal for updating a hierarchical classification dictionary which has a hierarchical' structure which includes a class that defines the hierarchical structure (Fig. 4,items 421, 422, 418, "class schema", "flexible content class...flexible attribute"), a property that defines a hierarchical class structure (Fig. 3; Fig. 5, items 520, 400, "program data...directory schema"), and an attribute that is a detailed information field of the class and the property (Fig. 4,items 421, 422, 418, "class schema", "flexible content class...flexible attribute"), and in which a sub classification class inherits a property of an upper classification class (Fig. 3; Fig. 5, items 520, 400, "program data...directory schema"); storing the received proposal (Fig. 6, item 612); extracting a proposal approximate to the received proposal from the proposals already stored (Figs. 11A-11B, see self-assessment); and presenting the extracted proposal (¶[22], "A content class defines the purpose or content of an item by containing as its elements a list of properties appropriate for that purpose or content. Content classes imply a set of semantic requirements for the item. Content classes follow a hierarchical structure").

As to claim 18, MacLeod teaches a method of updating a classification dictionary, comprising: receiving a proposal for updating a hierarchical classification dictionary which has a

hierarchical structure which includes a class that defines the hierarchical structure (¶[5, 10, 12], "network administers to ensure that legacy applications in various domains properly operate with the updated schema", Table 1), a property that defines a hierarchical class structure (Fig. 4,items 421, 422, 418, "class schema", "flexible content class...flexible attribute"), and an attribute that is a detailed information field of the class and the property ( ), and in which a sub classification class inherits a property of an upper classification class (Fig. 3; Fig. 5, items 520, 400, "program data...directory schema"); storing the received proposal (Fig. 6, item 612); extracting a proposal approximate to the received proposal from the proposals already stored (Figs. 11A-11B, see self-assessment); and presenting the extracted proposal (¶[22], "A content class defines the purpose or content of an item by containing as its elements a list of properties appropriate for that purpose or content. Content classes imply a set of semantic requirements for the item. Content classes follow a hierarchical structure").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacLeod in view of Habichler et al, (US 2007/0208575 A1), hereinafter Habichler.

As to claim 2, MacLeod teaches the classification dictionary updating apparatus, wherein the proposal presented by the approximate proposal presenting unit contains a content of the proposal received by the update proposal receiving unit (Fig. 4, items 422-1, 418).

However, MacLeod does not expressly teach a result of evaluation indicating one of rejection and acceptance of the proposal received by the update proposal receiving unit, a content of a comment on the proposal received by the update proposal receiving unit, and information on a degree of approximation that is a result of calculation of the degree of approximation.

Habichler teaches a result of evaluation indicating one of rejection and acceptance of the proposal received by the update proposal receiving unit (¶[116], Fig. 11A-B; Fig. 13, item 1355), a content of a comment on the proposal received by the update proposal receiving unit (¶[116], Fig. 13, item 1355), and information on a degree of approximation that is a result of calculation of the degree of approximation (Fig. 11B, “Gap”).

> [0116] As previously noted, FIG. 11B corresponds to an automated approval process in which a single validation reviewer is asked to provide an approval assessment for a proposed self-assessed competency. In this example, the validation reviewer is the supervisor of Employee ZZ (Supervisor M) and is asked to determine whether to approve Employee ZZ's proposed self-assessment for the "Spanish Writing" competency. Such an approval process may be used in conjunction with the type of process illustrated in FIG. 11A (e.g., to provide validation opinions of others to Supervisor M for him/her to consider when making his/her decision) or may be used instead of gathering validation information from multiple reviewers. The illustrated portion of a user interface screen includes a section 1130 to allow Supervisor M to specify approval assessments of proposed competency self-assessments from his/her direct reports, with selected entry 1132 corresponding to Employee ZZ's proposed competency self-assessment. In a similar manner to section 1110, Supervisor M can view Employee ZZ's current and proposed skill ratings as well as any provided self-assessment comments, and can supply his/her approval or denial of Employee ZZ's proposed skill level as well as optional comments (e.g., to be provided to Employee ZZ). After Supervisor M selects the "Submit" interactive control 1139, the approval assessment will then be used to update Employee ZZ's competency-related information accordingly, as discussed in greater detail below with respect to FIG. 11C. In the illustrated embodiment, FIG. 11B also includes a section

1140 that provides additional details for the selected proposed self-assessed skill, including information about any validation opinions received from other reviewers. In other embodiments, a variety of additional information may be available to Supervisor M, or instead some of the illustrated types of information may not be available.

550 My Current Competency Gaps

Competency Name	Parent Competency	Competency Category	Current Skill Level	Target Skill Level	Gap Value	Planned Date Of Accomplishment	Criticality	Source
554 C++ Skills	Progr. Skills	Skills	Intermediate	Expert	5	-	Medium	Performance Goal
558 Public Speaking	Communication	Capabilities	-	-	-	-	Low	Personal Goal

570 My Proposed Self-Assessed Skills

Skill Name	Parent Skill	Root Skill Category	Current Skill Level	Proposed Skill Level	Self-Assessment Comment	Hold?	Submitted Status	Validation Status	Validation Comments
572 Java Skills	Progr. Skills	Tech. Skills	Intermediate	Expert	I have 3+ . . .	Yes	No	-	-
576 Spanish Reading	Spanish	Lang. Skills	High Fluent	Fluent	While I . . .	-	Yes	Pending	-

Fig. 11C

MacLeod and Habichler are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine MacLeod and Habichler because it provides for "self-assessment in order to determine whether to approve the self-assessed competency" as discussed in Habichler, Abstract.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine MacLeod and Habichler because it provides for "self-assessment in order to determine whether to approve the self-assessed competency" as suggested in Habichler, Abstract.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLeod in view of Case et al, (US 2006/0085272), hereinafter Case.

As to claim 3, MacLeod does not expressly teach the classification dictionary updating apparatus, wherein when the received proposal is a proposal for editing one of an existing class and an existing property, the approximate proposal extracting unit searches the proposal history

storing unit for a proposal with a highest degree of approximation based on one of an attribute of the proposal for editing and a content of the proposal for editing to extract a proposal approximate to the proposal for editing.

However, Case teaches the classification dictionary updating apparatus, wherein when the received proposal is a proposal for editing one of an existing class and an existing property (¶[10,29]), the approximate proposal extracting unit searches the proposal history storing unit for a proposal with a highest degree of approximation based on one of an attribute of the proposal for editing and a content of the proposal for editing to extract a proposal approximate to the proposal for editing (¶[10,29]).

MacLeod and Case are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine MacLeod and Case because it provides for the vendor or manufacturer being able to modify the formulation for satisfying the user and enabling orders for the formulation as discussed in Case, Abstract.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine MacLeod and Case because it provides for the vendor or manufacturer being able to modify the formulation for satisfying the user and enabling orders for the formulation as suggested in Case, Abstract.

As to claim 4, MacLeod does not expressly teach the classification dictionary updating apparatus, wherein when the received proposal is a proposal for adding one of a new class and a new property, the approximate proposal extracting unit searches the proposal history storing unit for a proposal with a highest value of accumulated degree of approximation based on respective

attributes of the proposal for adding, to extract a proposal approximate to the proposal for adding.

However, Case as applied above teaches the classification dictionary updating apparatus, wherein when the received proposal is a proposal for editing one of an existing class and an existing property (¶[10,29]), the approximate proposal extracting unit searches the proposal history storing unit for a proposal with a highest degree of approximation based on one of an attribute of the proposal for editing and a content of the proposal for editing to extract a proposal approximate to the proposal for editing (¶[10,29]).

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod in view of Markhovsky et al, (US 2006/0012476), hereinafter Markhovsky.

As to claim 6, MacLeod teaches the classification dictionary updating apparatus, further comprising, configured to, when the received proposal is a proposal for adding one of a new class and a new property (¶[6]), advise of an addition target where the proposal for adding is to be added (¶[6]), according to a location of the proposal extracted by the approximate proposal extracting unit (¶[22]).

However, MacLeod does not expressly teach an addition target searching unit that is configured.

Markhovsky teaches expressly teach an addition target searching unit that is configured (¶[274]).

MacLeod and Markhovsky are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine MacLeod and Markhovsky because it provides for simplified virtual triangulation and generating position information in real-time as discussed in Markhovsky, paragraph [0013].

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine MacLeod and Markhovsky because it provides for simplified virtual triangulation and generating position information in real-time as suggested in Markhovsky, paragraph [0013].

As to claim 7, MacLeod teaches the classification dictionary updating apparatus, wherein when the received proposal is a proposal for adding a new class (¶[6]), the addition target searching unit advises of the addition target according to a hierarchical structure of the proposal found as a result of search based on a part or a whole of properties of the proposal for adding (¶[6]).

As to claim 8, MacLeod teaches the classification dictionary updating apparatus, wherein when the received proposal is a proposal for adding a new class (¶[6]), the addition target searching unit advises of the addition target according to a result of comparison between a property of the proposal found as a result of search based on a content of an attribute of the proposal for adding (¶[6]), and a property of the proposal for adding (¶[6]).

As to claim 9, MacLeod teaches the classification dictionary updating apparatus, wherein when the received proposal is a proposal for adding a new property (¶[6]), the addition target

searching unit advises that a class that defines the proposal approximate to the received proposal (¶[6]).

However, MacLeod does not expressly teach presented as the addition target.

Markhovsky as applied above teaches presented as the addition target (¶[274]).

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLeod in view of Forlai, (US 7,243,082), hereinafter Forlai.

As to claim 10, MacLeod does not expressly teach the classification dictionary updating apparatus, further comprising a proposal advice presenting unit that is configured to advise of a result of evaluation indicating rejection of the received proposal, when the proposal extracted by the approximate proposal extracting unit is identical with the received proposal.

However, Forlai teaches the classification dictionary updating apparatus, further comprising a proposal advice presenting unit that is configured to advise of a result of evaluation indicating rejection of the received proposal (Col. 20, Lines 33-45, Fig. 21), when the proposal extracted by the approximate proposal extracting unit 1s identical with the received proposal (Col. 2, Lines 33-38).

Col. 20, Lines 33-45

As further shown in FIG. 21, if the buyer decides to accept the offer and sign-in, then another pop-up screen may be provided (such as that shown in FIG. 10) to provide more detailed information concerning the sale offer (S.30). After reviewing and further considering the sale offer, the buyer may be given another opportunity to accept or reject the sale offer. If the buyer rejects the offer, then a notice (such as that shown in FIG. 20) may be provided to give notification of the canceled sale offer (S.90). Otherwise, if the buyer decides to continue with the sign-in process, then an electronic request form (such as that shown in FIG. 16) may be displayed to request basic contract data, including the name

> and address of the buyer (S.40). At this point, the buyer may again be given the opportunity to continue with the sign-in process (S.50) or to reject the offer and receive a notice of the canceled sale offer (S.90).
>
> Col. 2, Lines 33-38
>
> sale offer is electronically presented to a buyer through a Web site or electronic network at a substantically(sic) discounted price or for " free" (i.e. for free or at a price near zero, plus delivery charges--if applicable) for a very limited amount of time. In the embodiment disclosed therein, any persons who happen to be visiting a particular Web site at a certain point in time--the "minute"--will receive an offer for a virtually free good...

As to claim 11, MacLeod does not expressly teach the classification dictionary updating apparatus, further comprising a proposal advice presenting unit that is configured to advise of a result of evaluation of the proposal extracted by the approximate proposal extracting unit as a result of evaluation of the received proposal.

However, Forlai as applied above teaches the classification dictionary updating apparatus, further comprising a proposal advice presenting unit that is configured to advise of a result of evaluation of the proposal extracted by the approximate proposal extracting unit as a result of evaluation of the received proposal (Fig. 21, Col. 20, Lines 33-45, supra).

As to claim 12, MacLeod teaches the classification dictionary updating apparatus, further comprising an evaluating and commenting unit that makes a dictionary manager evaluate and give comment on the received proposal according to the result of evaluation given as advice.

However, Forlai as applied above teaches the classification dictionary updating apparatus, further comprising an evaluating and commenting unit that makes a dictionary manager evaluate and give comment on the received proposal according to the result of evaluation given as advice (Col. 20, Lines 33-45, supra; Fig. 21).

As to claim 13, MacLeod teaches the classification dictionary updating apparatus, further comprising an evaluating and commenting unit that makes a dictionary manager evaluate and give comment on the received proposal according to the result of evaluation given as advice.

However, Forlai as applied above teaches the classification dictionary updating apparatus, further comprising an evaluating and commenting unit that makes a dictionary manager evaluate and give comment on the received proposal according to the result of evaluation given as advice (Col. 20, Lines 33-45, supra; Fig. 21).

As to claim 14, MacLeod teaches the classification dictionary updating apparatus, further comprising: a history statistics analyzing unit that generates statistics and analyzes a history of the proposals stored in the proposal history storing unit; and a-reuse proposal presenting unit that extracts a proposal to reuse from the proposal history storing unit according to the statistics and the analysis of the history, notifies a proposer of the reuse, and presents the proposal to reuse.

However, Forlai as applied above teaches the classification dictionary updating apparatus, further comprising: a history statistics analyzing unit that generates statistics and analyzes a history of the proposals stored in the proposal history storing unit (Col. 24, Lines 20-25, "historical and/or statistical"); and a-reuse proposal presenting unit that extracts a proposal to reuse (Col. 21, Line 65, "repeated") from the proposal history storing unit according to the statistics and the analysis of the history (Col. 24, Lines 20-25, "historical and/or statistical"), notifies a proposer of the reuse (Col. 21, Line 65, "repeated"), and presents the proposal to reuse (Col. 24, Lines 20-25, "historical and/or statistical").

As to claim 15, MacLeod does not expressly teach the classification dictionary updating apparatus, further comprising a degree-of attention presenting unit that presents a class, a property, and an attribute with a high degree of attention based on the statistics and the analysis of the history.

However, Forlai as applied above teaches the classification dictionary updating apparatus, further comprising a degree-of attention presenting unit that presents a class (Figs. 6-6a), a property (Figs. 6-6a), and an attribute with a high degree of attention (Col. 11, Lines 35-36) based on the statistics and the analysis of the history (Col. 24, Lines 20-25, "historical and/or statistical").

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod in view of Dismukes et al, (US 2004/0034555 A1), hereinafter Dismukes.

As to claim 16, MacLeod does not expressly teach the classification dictionary updating apparatus, further comprising: a proposal draft receiving unit that receives a proposal approximate to a proposal draft; a simulative approximate proposal extracting unit that makes the proposal extracting unit search for the proposal received by the proposal draft receiving unit ( ); and a simulative approximate proposal presenting unit that presents the proposal extracted by the simulative approximate proposal extracting unit.

However, Dismukes teaches the classification dictionary updating apparatus, further comprising: a proposal draft receiving unit that receives a proposal approximate to a proposal draft (¶[395]); a simulative approximate proposal extracting unit that makes the proposal extracting unit search for the proposal received by the proposal draft receiving unit (Figs. 60-

61); and a simulative approximate proposal presenting unit that presents the proposal extracted by the simulative approximate proposal extracting unit (¶[395]).

MacLeod and Dismukes are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine MacLeod and Dismukes because it provides for "improve and optimize manufacturing productivity in order to achieve manufacturing excellence... a rapid simulation of performance of the production system is built by using a common set of productivity metrics for throughput effectiveness" as discussed in Dismukes, Abstract.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine MacLeod and Dismukes because it provides for "improve and optimize manufacturing productivity in order to achieve manufacturing excellence... a rapid simulation of performance of the production system is built by using a common set of productivity metrics for throughput effectiveness" as suggested in Dismukes, Abstract.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is (571) 270-1015. The examiner can normally be reached on Mondays through Fridays from 10 AM – 6PM.

Applicant initiated interviews may be formally requested in advance by faxing a completed PTO-413A form to the examiner's personal fax number at (571) 270-2015. Form PTO-413A is used by the examiner to prepare for any proposed interview. A detailed agenda listing should be attached including any proposed claim language and/or arguments that will be

presented. This form is used to determine whether any proposed interview would advance prosecution and fit within a prescribed time limit.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JDW/
Asst. Examiner, Art Unit 2166
4 February 2009

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166